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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/763,624	01/22/2004	Diane E. Delaney	1606-1	7711	
75	590 05/18/2004		EXAMINER		
JOHN MAIER, III			O MALLEY, KATHRYN S		
666 AARON C KINGSTON, N			ART UNIT PAPER NUMBER		
,	•		3749		
				DATE MAILED: 05/18/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

			111			
	Application No.	Applicant(s)	-V-V-			
	10/763,624	DELANEY ET AL.				
Office Action Summary	Examiner	Art Unit				
	Kathryn S. O'Malley	3749				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply y within the statutory minimum of thirty (30 vill apply and will expire SIX (6) MONTHS cause the application to become ABANI	be timely filed  ) days will be considered timely.  from the mailing date of this communication (35 U.S.C. & 133).	ation.			
Status						
1) Responsive to communication(s) filed on 22 Ja						
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
closed in accordance with the practice under z	ix parte Quayie, 1000 O.B. 1	1, 400 0.0. 210.				
Disposition of Claims						
4) ☐ Claim(s) 5-13 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 5-13 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consideration.					
Application Papers						
9)☐ The specification is objected to by the Examine 10)☐ The drawing(s) filed on 22 January 2004 is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11)☐ The oath or declaration is objected to by the Example 11.	: a) $\boxtimes$ accepted or b) $\square$ objection of objection of accepted in abeyance the drawing (s)	See 37 CFR 1.85(a). is objected to. See 37 CFR 1.12				
Priority under 35 U.S.C. § 119						
a) All b) Some * c) None of:  1. Certified copies of the priority document  2. Certified copies of the priority document  3. Copies of the certified copies of the priority document application from the International Burea * See the attached detailed Office action for a list	es have been received. Es have been received in Apprity documents have been re U (PCT Rule 17.2(a)).	lication No ceived in this National Stage				
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		mary (PTO-413) lail Date				
Notice of braitsperson's Patent brawing Review (170-345)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date 1/22/04.	5 D 41.4	mal Patent Application (PTO-152)				

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 5-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outlaw (US Patent 4,464,906) in view of Tatsutani et al. (US Patent 5,459,944).
- 3. Outlaw teaches an apparatus for drying fingernails comprising a housing with side walls 26, front wall 25, back wall 27, bottom 24, and top 28; an enclosure 30 for inserting a hand or foot; means for cooling air 18; blowers 14 and 16 and motor 12 for directing the drying air to the nails; power means 42; activating means 98; and temperature sensor 80 that sets and controls the temperature of the air being blown onto the nails. Outlaw does not teach a heating means, a timer, or a motion sensor to activate and stop the blowers. Tatsutani et al. teaches a similar apparatus for blowing air onto hands comprising housing 6, enclosure 5 for receiving human hands, nozzles 31 and 32 with heaters for blowing warm air onto the hands, and motion sensors 25 connected to timers for activating the blowers when the sensors 25 detect human hands and stopping the blowers when a certain time period has passed. Note column 5, line 47- column 6, line 12 and Figures 1 and 3. As Tatsutani et al. teaches that heaters, sensors, and timers in hand treating apparatus lead to more efficient, effective, and sanitary treatment, it would have been obvious to one of ordinary skill in the art to

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incorporate such elements into the hand treating apparatus of Outlaw. Regarding claim 6, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Regarding claim 7, such limitations would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

- 4. Claims 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Outlaw and Tatsutani et al. as applied to claims 1 and 11 above, and further in view of Barnes (US Patent 6,405,387).
- 5. Outlaw, as modified by Tatsutani et al., does not teach supplying sanitizing means with a timer. Barnes teaches a similar treating apparatus comprising enclosure 10 with sensor 40 coupled to timer 38 for activating sanitizing means 28. Note column 4, lines 4-17. As Barnes teaches that a sanitizer activated by a timer will efficiently and effectively kill germs left behind after treatment, it would have been obvious to one of ordinary skill in the art to modify the treating apparatus of Outlaw, as modified by Tatsutani et al., with the sanitizing timer of Barnes.

## Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rubin, Bloom, and Nafziger et al. teach similar apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn S. O'Malley whose telephone number is (703)308-2844. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KSO

Supervisory Patent Examiner
Group 3700